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10/582,535	06/09/2006	Stephanic Magnet	FR-AM-1994 NP	9897
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ARKEMA INC. PATENT DEPARTMENT - 26TH FLOOR 2000 MARKET STREET PHILADELPHIA, PA 19103-3222				
EXAMINER				
PENG, KUO LIANG				
ART UNIT		PAPER NUMBER		
1796				
NOTIFICATION DATE		DELIVERY MODE		
08/06/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/582,535

Applicant(s)

MAGNET ET AL.

Examiner

Kuo-Liang Peng

Art Unit

1796

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/15/09 Amendment.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 18-20 and 22 is/are pending in the application.
- 4a) Of the above claim(s) 3 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-11, 18-20, 22 is/are rejected.
- 7) ☒ Claim(s) 2, 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

1. The Applicants' amendment filed April 15, 2009 is acknowledged. Claims 12-17 and 21 are deleted. Claims 1-2, 4-10 and 18-20 are amended. Claim 3 is amended and withdrawn. Claim 22 is added. Now, Claims 1-2, 4-11, 18-20 and 22 are pending for consideration.
2. Claim objection(s) in the previous Office Action (Paper No. 20081206) is/are removed.
3. Claim rejection(s) (except Claims 1 and 7 as set forth below) under 35 USC 112 in the previous Office Action (Paper No. 20081206) is/are removed.
4. Claim rejection(s) under 35 USC 102 and 103 in paragraph 7 and paragraph 10, respectively, of the previous Office Action (Paper No. 20081206) is/are removed.
5. The text of those sections of Title 35, U.S. code not included in this action can be found in prior Office Action(s).

Specification

6. The disclosure is objected to because of the following informalities:
- Applicants are advised that the Brief Description of the Drawings is missing.
- Appropriate correction is required.

Claim Objections

7. Claim 22 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.
- The scope of the block copolymer is broader than that in Claim 1.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:
- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
9. Claims 1-2, 4-11, 18-20 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claims 1 (page 2, lines 27-30) and 22 (page 5, lines 21-24), “n” is not defined.

In Claim 7 (line 2), “preferably” causes confusion because it is not clear as to what is the less preferred embodiment.

Claim Rejections - 35 USC §102 and 103

10. Claims 1, 4-8, 10, 18-20 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Nesvadba (US 6 262 206).

For Claims 1, 4-8, 18-20 and 22, Nesvadba discloses an adhesive comprising a **block copolymer** derived from a) at least one ethylenically unsaturated monomer such as (alkyl)acrylate, **(alkyl)acrylic acid**, styrene, etc.; and b) an initiator of **formula (I)**. The block copolymer can have a first block derived from **(alkyl)acrylate** and a second block derived from **(alkyl)methacrylate**. (col. 2, line 64 to col. 4, line 58, col. 6, lines 50-58, col. 9, lines 34-61, col. 11, lines 7-63, col. 12, lines 22-33 and Examples B16, B30, etc.) The amount of the acidic monomer is demonstrated in Examples B8, B9, B10, B27, B29, B30, etc. For Claim 10, the amount of the monomer for the first block and that for the second block are typically very similar as shown in Examples. The molecular weight of the block copolymer as a whole is described in col. 12, lines 39-51. Therefore, the molecular

weight of the first block should fall within the claimed range. Furthermore, the polydispersity of the copolymer is described in col. 12, lines 52-55. As such, the polydispersity of the first block should also fall within the claimed range.

Alternatively, since the polymerization mechanism is similar to that of the present invention, the polydispersity of polymer (including the first block) should be very similar to the claimed one.

For Applicants' argument (Remarks, page 7, line 21 to page 8, line 6), Examiner disagrees. First, as Applicants correctly pointed out that Nesvadba teaches the employment of an acid monomer for preparing the copolymer. However, Applicants primarily argued that the copolymer containing the acid monomer is only for surfactants or dispersant. In response, Applicants are advised that in a **broader embodiment**, Nesvadba does teach the employment of the copolymer in adhesives. (col. 12, line 56 to col. 13, line 3)

For Applicants' argument (Remarks, page 8, lines 7-15), copolymers containing acid monomer (e.g., (meth)acrylic acid) are indeed exemplified in Examples B8, B9, B10, B27, B29, B30, etc. One of ordinary skill in the art would immediately envisage the employment of acid monomers in Nesvadba's disclosure.

11. Claims 9 and 11 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Nesvadba.

Nesvadba discloses an adhesive comprising a block copolymer containing polar (acid) functionalities, *supra*, which is incorporated herein by reference. As the reference discloses all the limitations of a claim except a property (Tg), and the examiner cannot determine whether or not the reference inherently possesses properties which anticipate or render obvious the claimed invention but has basis for shifting the burden of proof to applicant as in *In re Fitzgerald*, 619 F.2d 67, 205 USPQ 594 (CCPA 1980).

12. Claim 2 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, first paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Nesvadba does not teach or fairly suggest the claimed polyfunctional organic radicals set forth in the instant claim.

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.**

See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuo-Liang Peng whose telephone number is (571) 272-1091. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jim Seidleck, can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an

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application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

klp
July 23, 2009

/Kuo-Liang Peng/
Primary Examiner, Art Unit 1796